

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DISTRICT

GOVERNMENT OF GUAM  
RETIREMENT FUND, *et al.*,

Plaintiff,

vs.

INVACARE CORPORATION, *et al.*,

Defendants.

Case No. 1:13CV1165

JUDGE CHRISTOPHER A. BOYKO

**LEAD PLAINTIFF'S NOTICE OF NON-OPPOSITION AND REPLY  
IN FURTHER SUPPORT OF LEAD PLAINTIFF'S UNOPPOSED  
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

The Lead Plaintiff Government of Guam Retirement Fund (“Guam” or “Lead Plaintiff”) respectfully submits this notice of non-opposition and reply in further support of its motion for preliminary approval of the proposed Settlement filed on June 2, 2015 (ECF Nos. 71-73, the “Preliminary Approval Motion”).<sup>1</sup> The Preliminary Approval Motion explains that the proposed Settlement was reached after two years of hard-fought litigation followed by extensive arm’s-length negotiations overseen by an experienced mediator who ultimately made a “Mediator’s Recommendation” to resolve the action for \$11 million in cash, which recommendation the parties accepted.

Any opposition to the Preliminary Approval Motion was due June 16, 2015. No opposition was filed. In addition, Lead Plaintiff is informed that Invacare Corporation caused the notice contemplated by the Class Action Fairness Act of 2005 to be timely served on June 11, 2015. *See also* Stipulation ¶58.

Based on the foregoing and the entire record herein, Lead Plaintiff respectfully requests that the Court grant preliminary approval of the Settlement and schedule a hearing for consideration of final approval of the Settlement (the “Final Approval Hearing” or “Settlement Hearing”), such that notice of the proposed Settlement may be promptly provided to the Settlement Class. For the Court’s convenience, the parties’ agreed-upon form of [Proposed] Order Preliminarily Approving Settlement And Providing For Notice (the parties’ proposed “Preliminary Approval Order”) was previously filed as Exhibit A to the Notice of Motion (ECF No. 71-1).

Lead Plaintiff respectfully submits that the Preliminary Approval Order may be entered without a hearing because the Preliminary Approval Motion is well supported and unopposed, and

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<sup>1</sup> Unless otherwise stated or defined, all capitalized terms used herein shall have the meanings provided in the Stipulation and Agreement of Settlement (ECF No. 73, the “Stipulation”).

the Court will consider final approval of the proposed Settlement after notice to the Settlement Class and an opportunity for Settlement Class Members to be heard, at the Final Approval Hearing. Lead Plaintiff respectfully requests that, in the event preliminary approval of the Settlement is granted, the Final Approval Hearing be scheduled for September 24, 2015, or at the Court's next earliest convenience.

Dated: June 17, 2015

Respectfully submitted,

/s/ Benjamin Galdston

BENJAMIN GALDSTON

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